

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION

LUKE BUFFINGTON,

Plaintiffs,

No. 1:21cv124-MPM-DAS

v.

**SERVICE TRANSPORT COMPANY, INC.,
WILLIAM GIVENS,**

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441-1453, the Defendant, William Givens, by and through counsel, files this Notice of Removal of the present case from the Alcorn County Circuit Court, in Corinth, Mississippi, to the United States District Court for the Northern District of Mississippi, Aberdeen Division, and avers as follows:

1. The Plaintiff initiated this action on August 5, 2020, by filing a Complaint in the Alcorn County Circuit Court.¹
2. Plaintiff Luke Buffington is an adult citizen and resident of Alcorn County, Mississippi. (Compl. at ¶ 1.)
3. Defendant William Givens is an adult citizen and resident of Louisiana. (Compl. at ¶ 3.)
4. Defendant Service Transport Company, Inc. is a Texas corporation with its principal place of business located in Texas. (Compl. at ¶ 2.)
5. Defendant William Givens filed a Waiver of Summons with the Alcorn County Circuit Court on or about August 2, 2021, pursuant to Miss. R. Civ. P. 4(e).

¹ The Complaint is attached as Exhibit A.

6. Defendant Service Transport Company, Inc. received service of the Summons and Complaint via certified mail on December 3, 2020.

7. This action is of a civil nature alleging personal injuries as a result of a motor vehicle accident.

8. The present lawsuit is removable from state court to this Court pursuant to 28 U.S.C. § 1332(a) because the suit involves a controversy between citizens of different states and the amount in controversy exceeds \$75,000.00, excluding interest and costs.

9. Defendant Givens respectfully avers that time for removal has not expired under 28 U.S.C. § 1446(b). This Notice of Removal has been filed within thirty days of Defendant Givens waiving service of process.

10. Defendant Service Transport Company, Inc. consents to the removal of this action.

11. Venue is proper in this district because the state court where this action was commenced is within this Court's district, therefore this action is properly removable to this Court under 28 U.S.C. § 1441(a).

12. Pursuant to 28 U.S.C. § 1446(d), undersigned counsel certifies that a copy of this Notice of Removal will be served promptly on Plaintiff, through its counsel of record Kevin Buffington, and filed with the Clerk of the Alcorn County Circuit Court in Corinth, Mississippi.

WHEREFORE, the above-captioned action, now pending in the Alcorn County Circuit Court, is removed therefrom to this Honorable Court.

Respectfully submitted:

/s/ Christopher M. Myatt
Christopher M. Myatt (MSB 103812)
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing has been served upon the following, by U.S. Mail, postage prepaid, on this the 3rd day of August, 2021.

Kevin A. Buffington
The Smith Group, PLLC
501 Cruise St
Corinth, MS 38834

/s/ Christopher M. Myatt
Christopher M. Myatt